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ARTHUR H. WROCK (1911-1962)

TELEPHONE
AREA CODE 313
965-8135

CABLE ADDRESS
"CROSSLAW"

March 18, 1969

Mr. Ralph E. Jacobson
Attorney at Law
77 West Washington Street
Suite 1609
Chicago, Illinois 60602

Dear Mr. Jacobson:

Your letter of March 10th relative to the expulsion of Mr. Tom Ryan from American Numismatic Association has been referred to me.

Mr. Ryan's expulsion was based upon his refusal to comply with an arbitration award in favor of Mr. Paul E. Garland. A copy of the unanimous decision of the three arbitrators is enclosed.

The portions of the Decision which I have underscored in red establish the following facts:

1. The proceeding was to set aside the sale of an alleged "Proof" gold coin sold by Mr. Ryan to Mr. Garland.

2. Mr. Ryan agreed to the arbitration and pursuant thereto appointed an arbitrator and testified at the proceedings.

3. The coin was sold by Mr. Ryan to Mr. Garland as a Proof for a price of $3,300.

4. As the coin was not a Proof an award was rendered in favor of Mr. Garland against Mr. Ryan for damages.

Mr. Ryan was expelled under Article III, Section 3 of the ANA By-Laws which among other things permits expulsion of any member "committing any unethical act in his dealings with others" or "engaging in conduct unbecoming to a member." With respect to the factual question, we assume that Mr. Ryan sold the coin as a proof through error and did not act in bad faith he is still in violation of the ANA Code of Ethics which contains the following provision:

> "I agree to take immediate steps to correct any error I may make in any transaction."

The Board also takes the position that a member who agrees to arbitration in a dispute with another member and refuses to comply with the award is guilty of "conduct unbecoming to a member."

Kindly let me know if you have any additional questions regarding this matter.

Very truly yours,

George D. Hatie

GDH/bgw
Enclosure

Professional Numismatists Guild, Inc.

THIS CORRESPONDENCE FROM

the office of Executive Secretary, JOHN J. SMIES
P.O. Box 271, Courtland, Ks. 66939 (913-374-4311)

April 15, 1974

Mr. T. V. Buttrey
The University of Michigan
Ann Arbor, Mich. 48104

Dear Prof.:

Reference your letter of April 9, 1974, received this date, regarding the GARLAND vs RYAN arbitration hearing a few years ago.

It is my considered opinion that although an arbitration proceeding is under a procedure adopted by Professional Numismatists Guild, Inc. for disposing of differences involving any of its members; the matters that take place before such a board is not the property of P.N.G., Inc.

You must remember that such a board is not answerable to P.N.G. In fact, the make up of such a board does not have to have even one member of the Guild thereon. The particular arbitration board of GARLAND vs RYAN consisted of three person's, none of which are now a member of P.N.G., Inc. (Although one was a member of the Guild at the time of the decision)

It is my conclusion that we can not give our approval and/or disapproval for access to any alleged file of an arbitration hearing.

Sincerely yours,

JOHN J. SMIES

cc: Douglas W. Weaver
Q. David Bowers

ERIC P. NEWMAN NUMISMATIC EDUCATION SOCIETY

[illegible]

April 29, 1974

Mr. Herbert M. Bergen
404 N. Harbor Blvd.
Fullerton, California 92632

Mr. Lester Merkin
445 Park Avenue
New York, New York

Re: Garland v. Ryan

Dear Herb and Les:

Professor Ted Buttrey requested of PNG the right to examine the material in the above arbitration proceeding. The response dated April 15, 1974, states that PNG has no property right to the arbitration file, and a copy of that letter is enclosed herewith.

Under these circumstances, I would like to make a request on behalf of Ted Buttrey and this organization for you to make available to either or both of us, or to anyone else who asks, your complete files in the above mentioned matter. The examination of the files and making copies thereof would be for numismatic research purposes and without expense to you. As you know, the hearings were entirely open in Chicago, Miami and Los Angeles and were attended by some observers.

You may wish to advise PNG that you have been asked to do this and are willing to do so.

An alternate suggestion is that the file be turned over to the A.N.A. or the A.N.S., or both.

I do not have the address of Ronnie Carr and, if either of you know how I can write him, I will gladly do so.

If you have any further questions about the matter, please feel free to call or write Professor Buttrey or us.

My kindest personal regards to both of you.

Sincerely,

Eric P. Newman

EPN:jah
Encl.

cc: Prof. Ted Buttrey

A NON-PROFIT CORPORATION FOR EDUCATION
THROUGH RESEARCH AND EXHIBITION
OF COINS, CURRENCY AND HISTORIC OBJECTS

AMERICAN NUMISMATIC ASSOCIATION

Chartered by Congress

HERBERT M. BERGEN
Past President
604 No. Harbor Blvd., FULLERTON, CALIF. 92632

Ronnie Carr
Box 1113
Tulare, Calif. 93274
Home - 68 6-2924
Elks Club - 68 6-5689

May 8, 1974

Mr. Eric P. Newman
6450 Cecil Avenue
St. Louis 5, Mo.

Dear Eric:

Responding to your letter of April 29th to Lester Merkin and myself, I beg to advise that, much as I would like to comply at once with your request to look at the files in my possession relating to the Garland vs Ryan Arbitration, I feel that I should first hear from my fellow arbitration panel members.

Lester Merkin has not contacted me and I have not been able to get in touch with Ronnie Carr at his old address. Ronnie dropped out of numismatics soon after the panel disbanded and I have not heard from him since then. I assume Lester will write to me after copy of this letter reaches him. Continued efforts will be made to locate Ronnie.

Reference the letter from John Smies, I am puzzled by the last paragraph. I would at least like a letter from PNG telling us that it has no objection to letting you look at any files I have. The panel was set up by PNG with instructions for performance given by Leo Young, then President of PNG. The final report of the panel was delivered to PNG and our expenses were paid by it. No one else has had panel permission to examine any material developed by it during the arbitration proceedings. For Smies to say that PNG neither gives approval or disapproval in this matter leaves the question of responsibility by the panel to PNG open to doubt.

As soon as I hear from Lester or Ronnie I will let you know what they have to say.

Sincerely,

Herbert M. Bergen

HMB:b
cc: Lester Merkin
Prof. Ted Buttrey

Please let me have your views
Best Regards, Herb

May 15, 1974

Mr. Eric P. Newman
Edison Bros., Inc.
400 Washington Avenue
St. Louis, Mo. 63102

Dear Eric:

Yesterday I called and spoke to Herb Bergen. At the moment we are trying to locate Ronnie Carr. As you know Ronnie was chairman of the panel.

At the last private meeting of the panel a decision was made and agreed upon, never to disclose or speak about the records of the arbitration unilaterally. At that time we felt and suspected that the FMS would not back us up were there any further developments.

I am in full accord with Herb's thoughts (referring to his letter of May 8th). I too do not understand John Gwinn attitude. I am confident that Ronnie's feeling will coincide with Herb's and mine.

As a matter of record, I was not a member of the Guild at the time of the arbitration. I had resigned from the SAG I believe, in the latter part of 1965.

Sincerely,

LM:am
cc: Herb Bergen
Ronnie Carr

RONNIE CARR

Post Office Box 1113
Tulare, California 93274
Telephone 686-2924
Area Code 209

Before noon our time for messages

Dear Lester,

May 18, 1974

Good grief, what now? Hasn't the Assay office $20- (Proof) matter been settled?

Bring me up-to-date. What is Eric Newman after? Also who is John Simes?

I've been away for a number of years and no nothing in regards to the Assay office $20- final outcome.

If it is of any interest I have all the important information we assembled along with our original decision and our reasons for it. I kept everything.

Drop a line

Cordially,

Ronnie

The Midas Touch

RONNIE CARR

Post Office Box 1113
Tulare, California

Telephone 686-2924
Area Code 209

May 23, 1970

Mr. Lester Markin
1065 Park Avenue
New York, New York

Dear Lester:

Many thanks for yours of the 21st. and the related information.

Herb stated quite rightly in his letter of May 8th. to Eric, "The panel was set up by PNC with instructions for performance given by Leo Young, then President of PNC".

The letter of April 15th. by John Smies to Prof. Buttrey is most peculiar in that Mr. Smies apparently feels our panel was ad hoc in nature and that PNC has no obligation to retain our findings as their material. In his final paragraph he makes a somewhat puzzling remark, "It is my conclusion that we can not give our approval and/or disapproval for access to any alleged file of an arbitration hearing." It is the "alleged" that surprises me. Of course there is a file. We certainly didnot contain all our findings and information in our heads.

After the panel read its decision in Los Angeles in open meeting, I returned all correspondence and relative information to Leo Young in person. At that time I had the feeling the PNC didnot have enough legal power to enforce our ruling and that the matter would undoubtedly be taken to court by either Ryan or Garland. Because of my feeling I thought it best to keep all the photographs and documents I considered to be important in case they were to be used in a legal proceeding in the future. I also retained the Panel's original decision on the Ryan-Garland matter.

It is my personal opinion that our data on the Ryan-Garland arbitration belongs to the PNC since they authorized and financed our panel.

Also I believe that our files contain absolutely nothing beneficial to Eric or Prof. Buttrey. As a matter of fact Eric already has all the information on the case of Ryan-Garland that we possess. I would want to know exactly what data our panel has that could possibly assist Eric in the latest issue of whether or not some Spanish gold bars are fake. I cannot see the connection with our study. It appears to be somewhat of a fishing expedition.

I will release all my PNC material on the Ryan-Garland matter only upon written consent from the PNC. Such data will have to be personally picked up as I donot intend to pack and post such a large bundle of material.

Cordially,

Ronnie Carr

The Midas Touch

cc: Newman-Bergen-Smies

Professional Numismatists Guild, Inc.

THIS CORRESPONDENCE FROM

the offiice of Executive Secretary, DOUGLAS W. WEAVER
P. O. Box 35, Cleburne, Texas 76031 (817) 641-7821

February 4, 1976

Herbert Bergen
Box 98
Brea, Calif.

Ronnie Carr
Box 1113
Tulare, Calif. 93274

Lester Merkin
445 Park Ave.
New York, N. Y. 10022

Dear Sirs:

I apoligize for writing to you in this manner but it does save time of which none of us have enough of these days.

I am in receipt of correspondence from Mr. Charles Hoskins director of ANACS in Washington, D. C. requesting that the Garland vs Ryan arbitration files be released to him.

After talking to Lester Merkin this date it was decided that we should try to get together during the NASC convention in Los Angeles later this month.

Therefor if all will be present during the convention I would welcome such a meeting. I will be arriving in Los Angeles either late the 19th or early the 20th and will set a time and place for a meeting of the four of us that will be convenient for all.

Looking forward to making an effort to resolve this situation once and for all.

Very truly yours

Douglas W. Weaver
Executive Secretary

DWW/jw

ERIC P. NEWMAN NUMISMATIC EDUCATION SOCIETY

6450 Cecil Avenue, St. Louis 5, Missouri

February 13, 1976

Mr. Herbert M. Bergen
Mr. Lester Merkin

Re: Garland vs. Ryan
Arbitration

Dear Herb and Les:

The American Numismatic Association Certification Service received for opinion two $20 1853 U.S. Assay Office gold coins. At our suggestion after seeing them we recommended that ANACS write PNG in order to obtain the information in the arbitration file. This was done and the PNG Board at a recent meeting in Florida agreed that such data should be turned over to ANACS if available. Doug Weaver, the PNG Executive Secretary was to track them down.

Robert R. Johnson, 353 Geary St., San Francisco, CA 94102, PNG President, wrote to ANACS on January 30, 1976 as follows:

> "Your request for the Garland-Ryan data was brought up at the PNG Board in Florida and it was agreed that such data should be turned over to ANACS if available. Accordingly Doug Weaver, our Executive Secretary, will try to track them down."

You may wish to confirm this at ANACS or with Robert R. Johnson. I suggest that after such confirmation the one of you who has the most complete file turn over to ANACS, but you may wish to work it out in some other way. This will be a fine opportunity to put the file in the right place for proper use in authentication.

Charles Hoskins has authorized us to help obtain the data for ANACS. If I can be of further help, please let me know.

My kindest personal regards.

Sincerely,

Eric P. Newman

EPN:jah
cc: Mr. Charles Hoskins

Professional Numismatists Guild, Inc.

THIS CORRESPONDENCE FROM

the offiice of Executive Secretary, DOUGLAS W. WEAVER
P. O. Box 35, Cleburne, Texas 76031 (817) 641-7821

February 24, 1976

AMACS
Box 87, Ben Franklin Station
Washington, D. C. 20044

Attn: Mr. Charles R. Hoskins

Dear Mr. Hoskins

As I told you in my letter of February 4, 1976 that I would pursue the matter of the Garland-Ryan arbitration files.

It is my understanding that the three arbitrators agreed among themselves that they would not release the files to anyone. It is also my understanding that they have signed a legal document at the time of the arbitration that they could not release the files to anyone. Therefore I assume from this and after conversations they are unable to release the files to anyone except by court order.

Now I do understand that the information you would need are available from the Smithsonian Institute there in Washington, D. C. and they are not bound by any such agreements and you should be able to get the information you need and possibly make a copy of the information for your permanent files if you wish.

With the information available to you there in Washington this should solve your problem as to how to get the information you need.

Hopefully this is of help to you.

Sincerely

Douglas Weaver
Executive Secretary

DWW/jw

CC
Robert R. Johnson
J. David Bowers

Professional Numismatists Guild, Inc.

THIS CORRESPONDENCE FROM

the office of Executive Secretary DOUGLAS W. WEAVER

208 Lake Air National Bank Bldg. • Waco, Texas 76710 • 817/ 776-6072

September 14, 1977

Mr. Eric P. Newman
6450 Cecil Avenue
St. Louis, Missouri 63105

Dear Mr. Newman:

Pursuant to our phone call this date I offer the following information to you regarding the Garland vs Ryan arbitration.

At the outset I would like to make the point that the PROFESSIONAL NUMISMATISTS GUILD has no function in these matters except to set up the arbitration and get the signatures of the principles involved agreeing to the arbitration. After we have accomplished this and accumulated any input the parties involved have to offer, we in turn furnish all the information we have to the arbitrators. All that is kept in our files are the agreements to arbitrate by the parties involved and the agreement to arbitrate by the arbitrators themselves.

Because of your previous request for the records of this case, I called Lester Merkin and agreed with him that it would be well if Herb Bergen, Ronnie Carr and the two of us could meet at the NASC Convention in Los Angeles to discuss the matter. I was interested in learning what I could about the matter so I would have first hand information. I wrote Bergen and Carr inviting them to meet with Lester and myself at the above mentioned time. Neither Bergen or Carr showed up to meet with us. I then had a lengthy conversation with Lester. He advised me that he had no objections to anyone seeing the files and would like to get rid of the files, but he and the other arbitrators had signed an agreement that they would never release the documents. Now as to who requested this, I do not know. I was not involved and there is nothing in any arbitration I have been involved in that stipulated this. I would only be guessing if I presumed to state who asked for this. Either of the arbitrators should be able to supply this information. The arbitrators are not beholding to PNG in any manner whatsoever in any of these things and we have no right to ask them to divulge or not divulge. If this is not the case, someone will have to straighten me out.

After talking to Lester I talked to John Ford and he advised me that the entire arbitration package was in the hands of the Smithsonian Institute in Washington, D.C. and they were available for anyone to see or make copies of. I do not know this for a fact, but only relay to you what I was told.

Hopefully, this clarifies this matter once and for all as far as PNG is concerned. I was under the impression that you were advised of the above facts and I am sorry you were not long ago.

If I can clarify any of the above points, I will be happy to do so.

Sincerely,

Douglas Weaver
Executive Secretary

DW/bd

cc: Q. David Bowers
File

ERIC P. NEWMAN NUMISMATIC EDUCATION SOCIETY

6450 Cecil Avenue, St. Louis 5, Missouri

October 12, 1977

Mr. Lester Merkin
445 Park Avenue
New York, NY 10022

Mr. Herbert M. Bergen
604 North Harbor Blvd.
Fullerton, CA 92632

Re: 1853 $20 U. S. Assay Office
Gold Coin

Dear Lester and Herb:

As you know I have often requested the right to examine the files of the arbitrators in the Garland vs. Ryan arbitration. This matter comes up when opinions are asked of ANACS. It also has other research value.

I wrote PNG again because of its new officials and I enclose its response of September 14, 1977. I would like to know from you if there is a signed agreement not to release the information. If there is would you send me a copy of it.

As to comment that Smithsonian has the entire arbitration package, I would like to know if you have any knowledge about why they could have it but others do not. If they have it it would be available to the public.

May I hear from you.

Kindest regards,

Eric P. Newman

jah

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HERBERT M. BERGEN
PETROLEUM ENGINEER
(REGISTERED PROFESSIONAL ENGINEER P819)
604 NORTH HARBOR BLVD.
FULLERTON, CALIFORNIA

November 1st
1977

Mr. Eric P. Newman
6450 Cecil Ave.
St Louis, Mo. 63105

Dear Eric:

Please excuse my delay in answering your letter of October 18th, addressed to Lester Merkin and myself. I was out of town when it arrived and then decided to try and locate Ronnie Carr, the third member of the Garland vs Ryan Arbitration Panel, before answering, in order to have his views about the matter. Also, I thought thatIwould meanwhile hear from Lester Merkin, but no word from him. So far I have not been able to find any trace of Ronnie Carr. It will take the consent of all three panel members to release the panel files because we had a verbal agreement covering such an action. No written agreement that would confirm the verbal agreement was made.

What John Ford states to the effect that the entire arbitration package is in the Smithsonian Institution in Washington, D. C. cannot be true because I was chairman of the panel and so had custody of the files. I recall placing them in storage with other files when I closed by office several years ago.

The only information or statement that was given out by the panel when it concluded its arbitration proceedings was its decision that the subject coin, a 1933 $20 U. S. Assay Office gold coin, was not a proof coin as represented to Garland when it was sold to him. The seller of the coin admitted in the hearing before the panel that such a representation was made to Garland. The panel gave no other opinion as to whether the subject coin was genuine or a fake. It was on the evidence and the decision of the panel that the subject coin was not a proof that Garland was able to get his purchase money back.

The panel was under no obligation to surrender its files to PNG which was instrumental in getting the arbitration set up. The only contact that I had with PNG after the panel decision was rendered and the subject coin returned to it was my request to be reimbursed for the out-of-pocket expenses that were incurred in making various tests of the subject coin to determine if it was genuine and a proof. I recall that Douglas Weaver asked that I meet with him in Los Angeles at the NASC show. I was unable to attend this show untill late on the last day when I was told he had left the show. I did not follow up on this because I could not locate Ronnie Carr. Merkin had also left for home.

HERBERT M. BERGEN
PETROLEUM ENGINEER
(REGISTERED PROFESSIONAL ENGINEER P819)
604 NORTH HARBOR BLVD.
FULLERTON, CALIFORNIA

I sincerely regret I cannot comply with your request to release the arbitration files. I know you did a lot to assist the panel with its investigation and no one deserves more than you what is in the panel files. However, I have always made it a rule to keep any agreement that I made. Therefore, until I can get the consent of the other two panel members, I dont see how I can help you.

I will try my best to find Ronnie Carr. Later this month I plan to be in New York and will try to get together with Lester Merkin. Am sending him a copy of this letter. A copy of same is also being sent to Douglas Weaver.

Due to the death of Mrs. Bergen I could not arrange to attend the ANA convention in Atlanta. I hope to be at the next convention in Texas next year, provided the ANA does not fall apart under the inept leadership of Grover Criswell. In protest to his behaviour I have removed my Colonial collection that I have had on exhibit during the Bicentenial in the ANA Museum in Colorado Springs. I am keeping my San Francisco Mint collection on exhibit at the old Mint in San Francisco, out of respect to Mary Brooks who did so much to save the old Mint as a Museum.

With my best personal regards and the hope that I meet with you soon somewhere in the interests of numismatics.

Herbert M Bergen

ERIC P. NEWMAN NUMISMATIC EDUCATION SOCIETY

6450 Cecil Avenue, St. Louis, Missouri 63105

July 25, 1983

Mr. Lester Merkin
515 Madiosn Avenue
New York, NY 10022

Re: Arbitration File
Garland vs. Ryan

Dear Lester:

Pursuant to your suggestion, I telephoned Ken Bressett about your desire to give to the ANA (ANACS) your complete file on the above matter on a condition that its use will not be restricted in any way. Ken discussed it with Ed Rochette.

A conclusion has been reached by those officers of ANA that ANA would welcome your gift of your file with the condition that there would be no restrictions on its use.

ANA has been told that your file once had, and does not now include, an item identical to Lot 591 in the Kolbe sale of August 13, 1983, since that item was withdrawn from your file in accordance with a letter of restriction which you said permitted its withdrawal. You stated that the letter restricting the use and permitting the withdrawal of that item might still be in your file and that letter should be included with the file when the file is donated to the ANA.

Would you be nice enough to send us a copy of what you write to the ANA so that we may be kept informed.

Kindest regards,

Eric P. Newman

jah

cc: Mr. Kenneth Bressett

The arbitration matter resolving the genuineness of a 1853 $20 USA Essay Office coin which was bought for $3,000 by Mr. Garland of Eastern Tennessee in the early 1960's was determined by him to be a forgery when he acquired it from a Chicago coin deal by the name of Ryan. The source of the coin which had many intervening owners was John J. Ford, Jr. Garland submitted the matter for determination properly to the ANA Certification Service or its equivalence committee, but it ended up in the Professional Numismatic Guild providing an arbitration committee of three which was to be selected--one person for the claimant, one person for the defense Lester Merkin of New York City a former museum and coin dealer, and the President of the Professional Numismatic Guild who lived in Oakland, California. I forgot the name of the third person to be on the panel, but he was from California and was respected.

The first hearing of the panel was in Chicago and the first witness for the claimant was Gerow Paul Franklin. I represented Garland at the first hearing.

Early in my questioning I asked Franklin where he obtained the coin before he sold it. I probably asked him if he obtained it from John J. Ford, Jr. or tried to. On the objection of John J. Ford, Jr. at the hearing he did not wish such testimony to be allowed because he claimed that no coin dealer should be allowed to disclose with whom he did business. The panel agreed that no disclosure of the customer of a dealer would have to be disclosed. The meeting of the panel was to be continued the next day. The hearing did not take place the next day because the witness was said to have left town.

Without notification to Garland or me, a continuance of the panel meeting was held in Florida about a year later, and what took place soon thereafter I do not know, but apparently two members of the panel agreed the coin was a forgery and Lester Merkin thought otherwise.

The panel looked for a solution and learned that the invoice to Garland stated that the coin was a proof and that the coin was not proven to be a proof and, therefore, the arbitration panel gave their unanimous judgment that Garland was entitled to the refund of the amount paid for the coin.

Neither Ryan nor anyone else did anything to satisfy the ruling of the arbitrators but Garland was entitled to the return of the $3,000. When I learned this, I determined that he had to take legal action to enforce the arbitration's decision. Since Ryan lived in Chicago, I had my nephew Eric H. Steele file suit in Cook County, Illinois to enforce the arbitration decision and obtained a judgment for the plaintiff. Neither Ryan nor anybody else did anything after judgment was obtained until attachment of the assets of Ryan were threatened. Payment to Garland of $3000 by Ryan then took place.